

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH BIVINS,

No. C 08-2629 MHP (pr)

Plaintiff,

ORDER OF DISMISSAL

v.

CONTRA COSTA CITY; et al.,

Defendants.

This action was opened in error when the court received documents in two separate envelopes from plaintiff that were intended to be filed in a single action. Two different actions (i.e., Case No. C 08-2629 MHP and Case No. C 08-2570 MHP) were opened, although only one action should have been opened. The in forma pauperis application in this action was intended to accompany the complaint in Case No. C 08-2570 MHP and therefore a copy of it will be filed in Case No. C 08-2570 MHP. That being done, this action is DISMISSED because it was opened in error. The in forma pauperis application is DENIED and no filing fee is due in Case No. C 08-2629 MHP.

Plaintiff's motion for clarification is GRANTED. (Docket # 3.) This order explains why two case numbers were assigned and why he received a notice in one action that he had not filed an in forma pauperis application and a notice in the other that he had not filed a pleading. (Docket # 3.)

The clerk shall close the file.

IT IS SO ORDERED.

Dated: September 26, 2008


Marilyn Hall Patel
United States District Judge